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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,123	07/08/2003	Masahiro Yoshimoto	MAE 289	6037
23995	7590	08/31/2004	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Aⁿ

Office Action Summary	Application No.	Applicant(s)	
	10/614,123	YOSHIMOTO, MASAHIRO	
	Examiner	Art Unit	
	Sandra L. Brase	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/8/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2, 4, 13, 15, 47, 65 and 79. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 7C, 7M, 7Y, 7K, 15C, 15M, 15K and 57. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR

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1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because in figures 1 and 11, reference character labels a hopping mechanism and not a paper cassette. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “66” has been used to designate both a pressure roller and a cleaning pad. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. The disclosure is objected to because of the following informalities.

On page 10, line 8, "4" should be changed to "4C, 4M, 4Y and 4K".

On page 10, line 35, "motors 82-85 and motors 87-89" should be changed to "82-89".

On page 13, line 24, "15" should be changed to "15C, 15M, 15Y and 15K".

On page 15, line 16, "buffer112" should be changed to "buffer 112".

On page 17, line 5, "4" should be changed to "4C, 4M, 4Y and 4K".

On page 17, line 6, "transfer" should be changed to "transport".

On page 18, line 16, "13" should be changed to "74".

On page 22, line 23, "4" should be changed to "4C, 4M, 4Y and 4K".

On page 22, lines 23, 26, 28 and 35, "2" should be changed to "2C, 2M, 2Y and 2K".

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On page 24, line 27, "2" should be changed to "2C, 2M, 2Y and 2K".

On page 25, line 20, "79" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ide (US 4,619,514).

9. Ide (...514) discloses a printing apparatus having a plurality of image forming sections (24₁ and 24₂) that are removably attached to a body of the printing apparatus and form images of different colors (figure 1), comprising: a specifying unit that specifies an image forming section that performs printing (col. 4, lines 57-61; and col. 5, lines 14-20); and a control unit that controls the image forming section specified by the specifying unit to operate to form an image of a corresponding color (col. 6, lines 18-23).

10. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Kinoshita et al. (US 5,063,410).

11. Kinoshita et al. (...410) disclose a printing apparatus having a plurality of image forming sections (4, 5 and 6) are removably attached to a body of the printing apparatus and form images

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of different colors (figure 1), the printing apparatus comprising: a plurality of detectors that detect the presence and absence of corresponding image forming sections in the body (col. 3, lines 14-19); and a control unit selectively controls the image forming sections to operate according to detection results of the plurality of detectors (col. 4, lines 14-49).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ide (US 4,619,514) in view of Kinoshita et al. (US 5,063,410) and Tanaka et al. (US 4,916,490).

14. Ide (...514) discloses the features mentioned previously, but does not disclose the claimed plurality of detectors and the claimed control. Kinoshita et al. (...410) disclose a printing apparatus including a plurality of detectors that detect the presence and absence of corresponding image forming sections in a body (col. 3, lines 14-19); wherein when the detector detects that an image forming section specified is present, a control unit controls the specified image forming section to operate (col. 4, lines 14-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed plurality of detectors and a control that controls a detected image forming section to operate, as disclosed by Kinoshita et al. (...410), so as to determine the state of attachment of the image forming section and to

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control the image forming section to operate to form an image when it is present to do so.

Tanaka et al. (...490) disclose a printing apparatus that control device that does not control a specified image forming section to operate when it is detected to be absent (col. 7, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed control device that controls a specified image forming section not to operate when it is detected to be absent, as disclosed by Tanaka et al. (...490), since in such a state the image forming section is inoperative.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (US 5,063,410) in view of Tanaka et al. (US 4,916,490).

16. Kinoshita et al. (...410) disclose the features mentioned previously, and disclose that the control unit controls a detected image forming section to operate (col. 4, lines 14-49), but do not disclose that the control unit does not control a non-detected image forming section to operate. Tanaka et al. (...490) disclose a printing apparatus that control device that does not control a specified image forming section to operate when it is detected to be absent (col. 7, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed control device that controls a specified image forming section not to operate when it is detected to be absent, as disclosed by Tanaka et al. (...490), since it is inoperative.

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Allowable Subject Matter

17. Claims 3-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kohtani et al. (US 4,937,626), Suzuki (US 6,324,352) and Tsuruya (US 6,498,905) disclose a detection device that detects the presence of an image forming section.

Higashi et al. (US 4,862,216), Ozawa et al. (US 4,937,627), Yamada (US 5,754,924) and Katamoto et al. (US 6,285,842) disclose a color specifying device.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Sandra L. Brase". The signature is fluid and cursive, with the first name "Sandra" and last name "Brase" clearly distinguishable.

Sandra L. Brase
Primary Examiner
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August 30, 2004